

Congress of the United States
Washington, DC 20515

November 30, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator McCarthy:

We write concerning the Environmental Protection Agency's (EPA) draft notice of proposed rulemaking to restrict use of methylene chloride in paint and coating removal products under Section 6(a) of the Toxic Substances Control Act, which is now under review at the Office of Management and Budget (OMB). We are concerned about any hasty judgements that might be made on this proposal in order to meet an unrelated constitutional deadline.

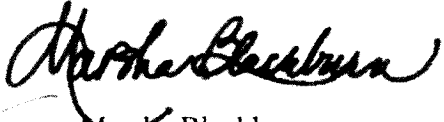
We understand, that through the past year, this proceeding has been subject to a Small Business Regulatory Enforcement Fairness Act (SBREFA) review process that revealed significant concerns from the small business community. Among other issues, SBREFA panel representatives told EPA that restricting the use of methylene chloride in paint and coating removal products in the manner contemplated by the Agency under section 6(a) would reduce safety and health for consumers, employees, and the general public. SBREFA panel representatives also told EPA that the contemplated proposal was neither technically nor economically feasible, and does not satisfy Section 26 of the revised TSCA statute, which requires EPA to rely on "the best available science" as the foundation for any Section 6 rule.

These assertions warrant close scrutiny given the impact that the draft rule could impose on the small business community, employees, and consumers. If true, this would leave one of the first TSCA rulemakings since TSCA's historical changes vulnerable to a successful judicial challenge. Considering the 90-day OMB review process for the draft proposal will expire tenuously close to the installation of the new Administration, we believe that they should have every opportunity to review stakeholder arguments raised during the SBREFA panel process before EPA publishes a proposed rule. The new administration will have the burden of defending this rule and deserves the chance to approach this complicated matter without the bias of a rushed process that might not otherwise have concluded, but for the waning days of your administration over the agency.

For those reasons and others, we respectfully request that EPA refrain from publishing a notice of proposed rulemaking to restrict the use of methylene chloride under Section 6(a) of the

Toxic Substances Control Act until the new President and his administration has an opportunity to fully review the proposal now pending before OMB.

Sincerely,



Marsha Blackburn



Robert Pittenger



Richard Hudson